S.B.CRIMINAL MISC. BAIL APPLICATION NO.5703/2006

Date : 09.01.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Rakesh Arora for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.
Mr. S.S. Saktawat for complainant.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that no injury is sustained by the injured which may be considered as dangerous to life. It has been submitted that in view of injury report, the case would not traverse beyond Sections 324 and 325 IPC.

On the other hand, learned Public Prosecutor assisted by learned counsel for the complainant have argued that applicant Prem Singh inflicted Farsi blow on the leg of

the injured and applicant Basti Ram caused Axe blow on buttocks of the injured and thereafter all persons started giving beatings to the injured by Lathis. According to learned Public Prosecutor, it cannot be said that the accused applicants were not having any intention to cause such injuries which were dangerous to life. It has also been submitted that recovery of the weapons have already been effected from the accused applicants. In last, it has been submitted that the injured remained in hospital for couple of days and now on account of the injuries, he has further been admitted in the hospital.

I have considered the submissions made before me.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case and the fact that injuries No.2, 3 , 5 and 6 sustained by the injured are grievous in nature and he has remained in hospital for couple of days and now he has again been admitted in hospital and matter is

pending investigation, I do not feel inclined to extend benefit of bail to the applicant. Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. stands rejected.

(SATYA PRAKASH PATHAK), J.

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